

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED
SCHOOL DISTRICT.

OAH Case No. 2015080374

ORDER GRANTING JOINT REQUEST
FOR SECOND CONTINUANCE,
SETTING PREHEARING
CONFERENCE AND HEARING

On October 21, 2015, the parties filed a joint request to continue the prehearing and hearing dates in this matter because of the unavailability of counsel for the presently scheduled hearing dates. This is the second joint continuance request since the August 7, 2015 filing of the complaint.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The joint request for a short continuance is granted, the presently scheduled dates are vacated, and the continued dates are as follows:

Prehearing Conference: November 30, 2015, at 3:00 PM.

Due Process Hearing: December 8, 9, 14, 15, and 16, 2015, at 9:30 AM
the first day, and 9:00 AM each additional day,

continuing day to day, Monday through Thursday,
as needed at the discretion of the Administrative
Law Judge.

NOTE: Since this is the second continuance, no
further continuances will be granted absent a
showing of substantial good cause.

IT IS SO ORDERED.

DATE: October 22, 2015

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings